

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 1:CR-03-251-05
	:	
	:	
v.	:	
	:	
	:	
MICHAEL MCKINNON	:	

MEMORANDUM

On June 14, 2010, Defendant filed a motion pursuant to 28 U.S.C. § 2255 (doc. 668). On June 21, 2010, this court issued an Administrative Order and Notice of Limitations on Filing Motions Under 28 U.S.C. § 2255 (doc. 670) which included a Notice of Election to be signed by Defendant and returned to the court within 30 days of the date of issuance of the Administrative Order. In that order, Defendant was advised that failure to return the Notice of Election within the thirty day time period would result in the court proceeding on the § 2255 motion as originally filed. Defendant did not return the Notice of Election within that time period and, on September 20, 2010, this court issued an order (doc. 673) which directed that the petition would be ruled upon as originally filed and directed service of the petition upon the Government.

On October 13, 2010, a Notice of Election was received by the Clerk of Court which was in blank form and unsigned (doc. 678). Attached to that document, was a document filed by Defendant entitled "Additional Issues for Title 28 U.S.C. Section 2255 Issues" (doc. 679). On October 12 and November 1, 2010, Defendant filed sworn affidavits in support of his 2255 motion (docs. 675 and 681).

Defendant did not properly notify the court that he wished to pursue claims not set forth in his original petition and he has been on notice since September

20, 2010 that the court would be proceeding on the petition filed June 14, 2010, therefore, the document entitled “Additional Issues for Title 28 U.S.C. Section 2255 Issues,” (doc. 679), will be stricken. The affidavits, documents 675 and 681, will be deemed stricken as to those portions that go beyond the original § 2255 petition (doc. 668).

An appropriate order will be issued.

s/Sylvia H. Rambo
United States District Judge

Dated: November 15, 2010.

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CRIMINAL NO. 1:CR-03-251-05

v.

MICHAEL MCKINNON

ORDER

In accordance with the accompanying memorandum, **IT IS HEREBY
ORDERED THAT:**

1) Document number 679, entitled “Additional Issues for Title 28 U.S.C.
Section 2255 Issues” is STRICKEN.

2) Documents 675 and 681 are STRICKEN as to those portions that
address the “additional issues” raised in document 679.

s/Sylvia H. Rambo
United States District Judge

Dated: November 15, 2010.